

REMARKS

This Amendment and Response is submitted in reply to the Final Official Action mailed March 19, 2007. Applicant submits that the Amendment and Response is fully responsive to the outstanding Final Official Action for at least the reasons set forth below.

Applicant notes the Claims 33 and 35 have been amended herewith. Specifically, the term “judging” or “judged” has been changed to “identification” or “identified” with respect to the judging portion. For example, the “first judging portion provided in the first medical device for judging” has been changed to the “first identification portion provided in the first medical device for identifying”. Additionally, Claim 33 has been amended to recite the first medical device control portion provided in the first medical device, the first medical device control portion outputting identification information corresponding to the type of the treatment equipment identified by the first identification portion. Claim 35 has been similarly amended with respect to the second medical device.

Furthermore, Claim 33 has been amended to recite that when the second medical device has already been driven when identification information is received from the first medical device control portion, the second medical device control portion receives no driving information from the first medical device control portion and controls the second medical device to be driven independently of the first medical device, and when the second medical device is not driven when identification information is received from the first medical device control portion, the second medical device control portion receives driving information from the first medical device control portion and establishes

synchronized driving with respect to the first medical device or forbids driving of the second medical device.

A similar amendment has been made to Claim 35.

Applicant submits new Claims 41 and 42 for examination. Claims 41 and 42 are directed to a method of controlling a surgery system that includes a plurality of medical devices. Each medical device adapted for the connection of treatment equipment. The method comprises receiving an input operating instruction from an operating switch; transmitting driving information corresponding to the operating instruction to each of said medical devices; generating a permission signal based upon at least one operating characteristic of each of the medical devices, and driving treatment equipment connected to a medical device based upon the permission signal from each of the medical devices.\

Claim 42 is directed to additional steps of the method, i.e., transmitting a second permission signal to each of said other medical devices including synchronization information; and confirming the second permission signal, by each other medical device.

No new matter has been added to the application by way of the aforementioned amendments. For example, Applicant directs the Examiner's attention to Figure 7 and its corresponding description at pages 31-38.

Applicant submits that all of the pending claims are patentably distinct from the cited references.

In the outstanding Official Action, the Examiner rejects Claims 33-35 and 38-40 under 35 U.S.C. § 103 (a) as being unpatentable over Applebaum and Whitman (both previously cited). The Examiner also rejected Claims 36 and 37 under 35 U.S.C. § 103 (a) as being unpatentable over Applebaum, Whitman and Fischer.

Applicant submits that Applebaum, Whitman and Fischer, whether taken alone or in any combination thereof fail to teach or suggest, each and every limitation of the claims. For example, Claim 33 recites, *inter alia*, when identification information is received from the first medical device control portion, the second medical device control portion receives no driving information from the first medical device control portion and controls the second medical device to be driven independent of the first medical device. Claim 41 recites, *inter alia*, generating a permission signal based upon at least one operating characteristic of each of the medical devices. None of the references teach these features.

At best, Applebaum suggests that a medical device is capable of disabling another medical device in certain circumstances or allowing simultaneous operation. Applebaum states that “it may be desirable to prevent certain instruments 19 from operating simultaneously for safety reasons. For example, the phacoemulsification instrument is disabled by the bipolar coagulation instrument when the latter is being used and vice-versa. In contrast, the aspiration function is needed during phacoemulsification or phacofragmentation. Thus, information regarding both functions is communicated via the network between the phaco module 325 and either venturi IAV module 321 or scroll IAV module 323”. See Col. 18. In other words, the first device disables the second device when the first device is switched on.

Applebaum does not teach the controlling the medical devices in the claimed manner or a claimed system.

Applebaum simply states that information is shared between medical devices. While this is true in the claimed invention, the claimed invention recites limitations that

are different from just sharing information.

For example, in the claimed invention, two different actions occur based upon the state of driving of the receiving medical device, e.g., second medical device in Claim 33 and first medical device is Claim 35. When the second medical device has already been driven when identification information is received from the first medical device control portion, the second medical device control portion receives no driving information from the first medical device control portion and controls the second medical device to be driven independent of the first medical device. Additionally, when the second medical device is not driven when identification information is received from the first medical device control portion, the second medical device control portion receives driving information from the first medical device control portion and establishes synchronized driving with respect to the first medical device or forbids driving of the second medical device.

Whitman and Fischer fail to cure the above-identified deficiencies.

Accordingly, Claims 33 and 41 are patentably distinct from the cited combination. Claims 34-40 are patentable over the cited combination based at least upon the above-identified analysis. Applicant submits that Claim 42 is separately patentable over the cited references based upon the following additional analysis. None of the references teach transmitting a second permission signal to each of said other medical devices including synchronization information and confirming the second permission signal, by each other medical device, as recited.

As illustrated in Figure 7, a series of communications between a originating medical device and a receiving medical device. The originating medical device transmits

a switch status data and identification information to the receiving medical device. The receiving device replies by sending information related to its operational status. If the receiving device had been switched on, e.g., driven, the receiving medical device invalidates the driving signal of the originating medical device by transmitting a return message. Alternatively, if the receiving device is off, the receiving medical device validates (i.e., first permission signal) the driving signal of the originating medical device by transmitting a different return message. The originating device will generate a modified driving signal to drive its treatment equipment (second permission signal). All of the other medical devices receive the results of the driving information. The other medical device controls the setting based upon the received messages from the originating and receiving devices and transmits a confirmation message. The references fail to teach the claimed series of transmissions, i.e., second permission signal and confirmation. In fact, the references fail to even mention a confirmation signal.

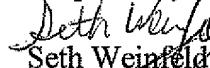
Accordingly, Claim 42 is separately patentable over the cited references.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdrawn the rejections of Claims 33-40 pursuant to 35 U.S.C. § 103 (a). Applicant also respectfully requests the Examiner to allow new Claims 41 and 42.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


Seth Weinfeld

Registration No. 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343 (telephone)
(516) 742-4366 (facsimile)

SW:ae